IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 519 OF 2006

Krishanlal Nanakchand Harjai ... Petitioner

V/s.

Municipal Corporation of Greater Mumbai ... Respondent

Mr. S.A. Balwal i/b. Vyas & Balwal for the petitioner.
Mrs. S. Ajit Kumar for respondent No.1.
Mr. P.G. Sawant, AGP for respondent No.3.

CORAM : F.I. REBELLO, J.
ANOOP V. MOHTA, J.
DATED : 21st March, 2006

P.C.

. From the affidavit filed by Subhash B. Shivsath, Junior Engineer of the Corporation, it is clear that construction was earlier demolished and that was brought to the notice of City Civil Court, where earlier suit had been filed. That suit thereafter came to be withdrawn.

2. In para 6b of the affidavit, it is set out that inspite of Stop Work Notice, the petitioner continued to put up illegal construction. As per Site Report dated 03.10.2005 the work was found completely unauthorised and in gross violation of law.

3. The petitioner has now approached this Court seeking discretionary relief invoking its extra ordinary jurisdiction to pray that respondent - Corporation should be asked to grant permission for carrying out repairs and for quashing the notice.

4. In our opinion, the fact on record would clearly demonstrate that the petitioner inspite of Stop Work Notice, carried out the construction. Such petitioner does not deserve invocation of the extra ordinary jurisdiction of this Court.

5. In the light of that the petition stands dismissed.

[F.I. REBELLO, J.]

[ANOOP V. MOHTA, J.]